

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

M.D. and T.D., on behalf of C.D.,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION, Region 9 (District 2),

**NOTICE OF CROSS-
MOTION FOR
SUMMARY JUDGMENT**

07 Civ. 7967 (RMB)

Defendant.

----- X

PLEASE TAKE NOTICE that upon the parties' pleadings, the accompanying memorandum of law in support of its motion, and all the proceedings heretofore had herein, defendant New York City Department of Education, by its attorney Michael A. Cardozo, Corporation Counsel of the City of New York, will move this Court, before the Honorable Richard M. Berman at the United States District Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, at a date and time to be determined by the Court, for an order granting defendant's cross-motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, dismissing plaintiffs' complaint in its entirety, denying plaintiffs' motion for modified *de novo* review, and granting defendant such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that plaintiffs' reply papers, if any, must be filed and served on the undersigned by February 8, 2008 and that defendant's sur-reply, if any, must be filed and served by February 28, 2008.

Dated: New York, New York
January 22, 2008

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 2-301
New York, N.Y. 10007
(212) 788-0908
Fax: (212) 788-0940
tgantz@law.nyc.gov

By: s/
Toni Gantz (TG1198)
Assistant Corporation Counsel

To: Gary S. Mayerson, Esq.
Mayerson & Associates
330 West 38th Street, Suite 600
New York, New York 10018